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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,549

08/19/2003

Daniel R. Knebel

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11/27/2006

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EXAMINER

GANDHI, DIPAKKUMAR B

ART UNIT

PAPER NUMBER

2138

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/643,549

Applicant(s)

KNEBEL ET AL.

Examiner

Dipakkumar Gandhi

Art Unit

2138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. Applicants' request for reconsideration filed on 09/01/2006 has been reviewed.
2. Amendment filed on 09/01/2006 has been entered.
3. Applicants' arguments filed 09/01/2006 have been fully considered but they are not persuasive.
4. The applicants contend, "As per independent claims 1, 20 and 28, Evoy, Maguire, Jr. et al., Wu et al., Chur, Ohie et al., Burns et al., Hacker, Bassett et al., Kolanek, Iida et al. and Takahashi, alone or in combination, do not disclose or suggest determining, at a particular age of the electronic system, one or more performance parameters for the electronic system, the one or more performance parameters correlated with maximum operating frequency of one or more electronic components of the electronic system for the particular age of the electronic system; and adjusting an operating frequency of the one or more electronic components from the electronic system in accordance with the one or more performance parameters."

The examiner disagrees and would like to point out that Maguire, Jr. et al. teach determining, at a particular age of the electronic system, one or more performance parameters for the electronic system (col. 1, lines 10-12, col. 3, lines 20-42, Maguire, Jr. et al.).

Evoy teaches the one or more performance parameters correlated with maximum operating frequency of one or more electronic components of the electronic system; and adjusting an operating frequency of the one or more electronic components from the electronic system in accordance with the one or more performance parameters (fig. 1, col. 1, lines 17-20, col. 2, line 65 to col. 3, line 4, Evoy).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2138

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, 2, 3, 4, 5, 6, 7, 8, 20, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133) in view of Maguire, Jr. et al. (US 5,331,579). Please see the office action mailed on 06/02/2006 for details.

8. Claims 9, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133) and Maguire, Jr. et al. (US 5,331,579) as applied to claim 8 above, and further in view of Wu et al. (Bipolar Bootstrapped Multi-emitter BiCMOS (B<sup>2</sup>M-BiCMOS) Logic for Low-Voltage Applications, Electronics, Circuits, and Systems, 1996, Volume 2, Pages: 1174-1177). Please see the office action mailed on 06/02/2006 for details.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133) and Maguire, Jr. et al. (US 5,331,579) as applied to claim 7 above, and further in view of Chur (US 5,124,849). Please see the office action mailed on 06/02/2006 for details.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133), Maguire, Jr. et al. (US 5,331,579) and Chur (US 5,124,849) as applied to claim 10 above, and further in view of Ohie et al. (US 5,936,448). Please see the office action mailed on 06/02/2006 for details.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133), Maguire, Jr. et al. (US 5,331,579), Chur (US 5,124,849) and Ohie et al. (US 5,936,448) as applied to claim 11 above, and further in view of Burns et al. (US 4,698,587). Please see the office action mailed on 06/02/2006 for details.

12. Claims 13, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133) and Maguire, Jr. et al. (US 5,331,579) as applied to claims 1, 20 above, and further in view of Hacker (US 4,845,419). Please see the office action mailed on 06/02/2006 for details.

Art Unit: 2138

13. Claims 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133) and Maguire, Jr. et al. (US 5,331,579) as applied to claim 1 above, and further in view of Bassett et al. (US 5,127,008). Please see the office action mailed on 06/02/2006 for details.

14. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133), Maguire, Jr. et al. (US 5,331,579) and Bassett et al. (US 5,127,008) as applied to claim 14 above, and further in view of Hacker (US 4,845,419). Please see the office action mailed on 06/02/2006 for details.

15. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133) and Maguire, Jr. et al. (US 5,331,579), as applied to claim 1 above, and further in view of Kolanek (US 2002/0047745 A1). Please see the office action mailed on 06/02/2006 for details.

16. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133), Maguire, Jr. et al. (US 5,331,579) and Hacker (US 4,845,419) as applied to claim 21 above, and further in view of Kolanek (US 2002/0047745 A1). Please see the office action mailed on 06/02/2006 for details.

17. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133), Maguire, Jr. et al. (US 5,331,579) as applied to claim 24 above, and further in view of Chur (US 5,124,849) and Ohie et al. (US 5,936,448). Please see the office action mailed on 06/02/2006 for details.

18. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133), Maguire, Jr. et al. (US 5,331,579) as applied to claim 20 above, and further in view of Iida et al. (US 6,525,585 B1). Please see the office action mailed on 06/02/2006 for details.

19. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evoy (US 5,758,133) in view of Maguire, Jr. et al. (US 5,331,579) and Takahashi (US 6,253,358 B1). Please see the office action mailed on 06/02/2006 for details.

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

Art Unit: 2138

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2138

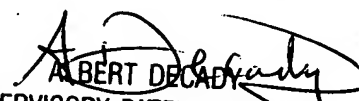
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dipakkumar Gandhi whose telephone number is 571-272-3822. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dipakkumar Gandhi  
Patent Examiner



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